

MONTANA LEGISLATIVE HISTORY

Chapter 27 1981

Bill H 139 S _____ Original bill & history ✓ c

H. Committee on State Admin

Hearing Date(s) h 1/14 _____ c

v 1/15 _____ c

_____ c

_____ c

Date Out _____ c

S. Committee on State Admin

Hearing Date(s) h 2/6 _____ c

v 2/10 _____ c

_____ c

_____ c

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

Gov Amend 3/2

REFERRED TO COMMITTEE ON LABOR: 1/9

HEARING: 1/20

REPORT: DO PASS, 1/20

2ND READING: 1/23 YEAS: 47; NAYS: 49

ON MOTION, RECOMMENDED THAT BILL DO NOT PASS: YEAS: 50; NAYS: 45

BILL KILLED ON 2ND READING: 1/23

HB 137—EUDAILY—TO CLARIFY THE USE OF PUPIL-INSTRUCTION-RELATED DAYS FOR ATTENDANCE AT STATE MEETINGS OF TEACHER ORGANIZATIONS.

INTRODUCED: 1/9

REFERRED TO COMMITTEE ON EDUCATION: 1/9

HEARING: 1/14

REPORT: DO PASS AS AMENDED, 1/19

ON MOTION, TAKEN FROM 2ND READING AND REREFERRED TO COMMITTEE ON EDUCATION: 1/22

REPORT: DO PASS AS AMENDED, 2/11

2ND READING: 2/14, DO NOT PASS MOTION, YEAS: 52; NAYS: 42

BILL KILLED ON 2ND READING: 2/14

ON MOTION, 2/14, SEGREGATED FROM THE COMMITTEE OF THE WHOLE REPORT AND PLACED BACK ON 2ND READING.

ON MOTION, 2/16, PASSED CONSIDERATION TO THE 47TH LEGISLATIVE DAY.

BILL DIED; FAILED TO MEET TRANSMITTAL DEADLINE

HB 138—ELLERD, BOYLAN—PREVENTING THE RELOCATION TO A NONCONTIGUOUS SITE OF CERTAIN BUSINESSES SELLING ALCOHOL IN CLOSE PROXIMITY TO A CHURCH OR SCHOOL.

INTRODUCED: 1/9

REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 1/9

HEARING: 1/19

REPORT: DO PASS AS AMENDED, 1/20

2ND READING: 1/22, ON MOTION, MOVED TO THE 21ST LEGISLATIVE DAY.

ON MOTION, TAKEN FROM 2ND READING AND REFERRED BACK TO COMMITTEE ON STATE ADMINISTRATION FOR PURPOSES OF AN AMENDMENT: 2/2

REPORT: DO PASS AS AMENDED, 2/12

2ND READING: 2/14, YEAS: 86; NAYS: 0

3RD READING: 2/17, YEAS: 94; NAYS: 0

TRANSMITTED TO SENATE: 2/17

REFERRED TO COMMITTEE ON JUDICIARY: 2/18

HEARING: 3/3

REPORT: 3/3, BE CONCURRED IN

REREFERRED TO COMMITTEE ON JUDICIARY: 3/4

BILL DIED IN COMMITTEE

HB 139—THOFT, BENGTON, ROBBINS, ET AL—TO REMOVE THE ANNUAL ELECTIONS OF FIRE DISTRICTS, HOSPITAL DISTRICTS, ETC. FROM THE CONSOLIDATING PROVISIONS OF TITLE 13....

INTRODUCED: 1/9

REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 1/9

HEARING: 1/14

REPORT: DO PASS, 1/15

2ND READING: 1/17 YEAS: 88; NAYS: 1

3RD READING: 1/19 YEAS: 93; NAYS: 1

TRANSMITTED TO SENATE: 1/19

REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 1/20

HEARING: 2/6

REPORT: 2/10, BE CONCURRED IN

2ND READING: 2/13, DO PASS
3RD READING: 2/17, YEAS: 46; NAYS: 4

RETURNED TO HOUSE: 2/17
TRANSMITTED TO GOVERNOR: 2/24
RETURNED TO HOUSE WITH AMENDMENTS: 3/2

GOVERNOR'S AMENDMENTS

2ND READING: 3/2 YEAS: 95; NAYS: 0
ON MOTION, RULES SUSPENDED TO ALLOW THE AMENDMENTS TO BE PLACED
ON 3RD READING THIS DAY.
3RD READING: 3/2 YEAS: 93; NAYS: 0

TRANSMITTED TO SENATE: 3/2

GOVERNOR'S AMENDMENTS

RULES SUSPENDED AND PLACED ON 2ND READING: 3/3, YEAS: 45;
NAYS: 0
2ND READING: 3/3, BE CONCURRED IN
RULES SUSPENDED AND PLACED ON 3RD READING: 3/3, YEAS: 47;
NAYS: 0
3RD READING: 3/3, YEAS: 48; NAYS: 0

RETURNED TO HOUSE: 3/3
TRANSMITTED TO GOVERNOR: 3/4
ACTION: SIGNED, 3/5
CHAPTER: 27

140—EUDAILY—TO ADOPT PROCEDURES FOR LOCAL GOVERNMENT
INITIATIVES....

INTRODUCED: 1/9
REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 1/9
HEARING: 1/20
REPORT: DO PASS, 1/20
2ND READING: 1/23 YEAS: 89; NAYS: 0
3RD READING: 1/24 YEAS: 76; NAYS: 0

TRANSMITTED TO SENATE: 1/24
REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 1/26
HEARING: 3/3
REPORT: 3/4, BE CONCURRED IN
2ND READING: 3/6, BE CONCURRED IN
3RD READING: 3/9, YEAS: 45; NAYS: 0

RETURNED TO HOUSE: 3/9
TRANSMITTED TO GOVERNOR: 3/14
ACTION: SIGNED, 3/17
CHAPTER 69

141—THOPT, SEIFERT, ROBBINS—TO INCREASE THE SPECIFIC DOLLAR
LIMITATION ON THE MAXIMUM AMOUNT OF INSURANCE RETAINED ON A SINGLE
RISK BY A FARM MUTUAL INSURER....

INTRODUCED: 1/9
REFERRED TO COMMITTEE ON BUSINESS AND INDUSTRY: 1/9
HEARING: 1/20
REPORT: DO PASS, 1/20
2ND READING: 1/23 YEAS: 88; NAYS: 0
3RD READING: 1/24 YEAS: 75; NAYS: 0

TRANSMITTED TO SENATE: 1/24
REFERRED TO COMMITTEE ON BUSINESS AND INDUSTRY: 1/26

HOUSE BILL NO. 139

INTRODUCED BY THOPT, BENGTSON, ROBBINS, MANUEL,
DONALDSON, SCHULTZ, SALES, WALDRON, NORDTVEDT, EUDAILY

IN THE HOUSE

January 9, 1981

Introduced and referred to
Committee on State
Administration.

January 15, 1981

Committee recommend bill
do pass. Report adopted.

January 16, 1981

Bill printed and placed
on members' desks.

January 17, 1981

Second reading, do pass.

January 19, 1981

Considered correctly engrossed.

Third reading, passed.
Transmitted to Senate.

IN THE SENATE

January 20, 1981

Introduced and referred to
Committee on State
Administration.

February 10, 1981

Committee recommend bill
be concurred in. Report
adopted.

February 12, 1981

Second reading, pass
consideration.

February 13, 1981

Second reading, concurred in.

February 17, 1981

Third reading, concurred
in. Ayes, 46; Nays, 4.

IN THE HOUSE

February 18, 1981

Returned from Senate.
Concurred in. Sent to
enrolling.

February 20, 1981

Reported correctly enrolled.

February 20, 1981

Signed by Speaker.

February 23, 1981

Signed by President.

Delivered to Governor.

February 27, 1981

Returned from Governor
with amendments.

March 2, 1981

Second reading, Governor's
amendments concurred in.

On motion rules suspended
and bill placed on third
reading this day.

Third reading, Governor's
amendments concurred in.
Transmitted to Senate.

IN THE SENATE

March 3, 1981

On motion rules suspended.
Bill referred to second reading
for consideration this day.

Second reading, Governor's
amendments concurred in.

On motion rules suspended.
Bill placed on calendar for
third reading this day.

Third reading, Governor's
amendments concurred in.
Yeas, 48; Nays, 0.
Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 139
 2 INTRODUCED BY Thom E. Bergeson, Raldis - Manuel
 3 Donalds James Schuch Sels Walden
 4 Edwards Wendroff
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE ANNUAL
 6 ELECTIONS OF FIRE DISTRICTS, HOSPITAL DISTRICTS, IRRIGATION
 7 DISTRICTS, AND DRAINAGE DISTRICTS FROM THE CONSOLIDATING
 8 PROVISIONS OF TITLE 13; TO PROVIDE THAT THE ELECTIONS FOR
 9 SUCH POLITICAL SUBDIVISIONS BE HELD ON SCHOOL ELECTION DAY,
 10 THE FIRST TUESDAY OF APRIL, EITHER IN COOPERATION WITH A
 11 SCHOOL DISTRICT OR AT ANOTHER CONVENIENT LOCATION WITHIN THE
 12 POLITICAL SUBDIVISION; TO PROVIDE FOR A MANNER OF CONDUCTING
 13 SUCH ELECTIONS, NAMING QUALIFIED ELECTORS, AND NOMINATING
 14 CANDIDATES FOR OFFICE; AMENDING SECTIONS 7-33-2106,
 15 7-34-2116 THROUGH 7-34-2118, 13-1-104, 13-1-301, 13-1-302,
 16 85-7-1702, 85-7-1710, 85-8-302, 85-8-304, AND 85-8-306, MCA;
 17 REPEALING SECTION 85-8-303, MCA; AND PROVIDING AN IMMEDIATE
 18 EFFECTIVE DATE."

18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

19 Section 1. Section 7-33-2106, MCA, is amended to read:
 20 "7-33-2106. Details relating to board of trustees of
 21 fire district. (1) The five trustees initially appointed by
 22 the county commissioners shall hold office until their
 23 successors are elected and qualified as hereinafter
 24 provided.

25 (2) Trustees shall be elected as provided in

1 ~~subsection (3) of this section, 13-1-104(3), and [section~~
 2 ~~8]. The term of office shall be 3 years beginning on at the~~
 3 ~~first Monday--in--January district meeting following their~~
 4 ~~election or until their successors are elected and~~
 5 ~~qualified. Appointments to fill vacancies shall be made by~~
 6 ~~the county governing body and appointees shall hold office~~
 7 ~~until the next regular election. Nominations-for-office~~
 8 ~~shall-be-made-as-provided-in--13-14-113. All electors, as~~
 9 ~~defined in Title 13, who reside in the district are eligible~~
 10 ~~to vote in the election including any holder of title to~~
 11 ~~lands within the district who presents a proof of interest~~
 12 ~~in such land at the polling place, regardless of whether he~~
 13 ~~is registered to vote.~~

14 ~~(3) Candidates for the office of trustee of the fire~~
 15 ~~district to be filled by election may be nominated by~~
 16 ~~petition filed with the deputy election administrator at~~
 17 ~~least 30 days before the election day and signed by at least~~
 18 ~~five electors of the district. If no nominations are made,~~
 19 ~~the electors of the district shall write on the ballots the~~
 20 ~~name or names of the persons for whom they desire to vote.~~
 21 ~~This subsection does not prevent an elector from voting for~~
 22 ~~any qualified person, although the name does not appear on~~
 23 ~~the official ballot.~~

24 ~~(3)(4) The trustees shall organize by choosing a~~
 25 ~~chairman and appointing one member to act as secretary."~~

Section 2. Section 7-34-2116, MCA, is amended to read:

"7-34-2116. Election of first board of trustees. (1)

The first board of trustees shall be elected at the same election held upon the creation of the district, subject to the creation thereof, and shall qualify upon the organization of the district if created.

(2) The trustees may be nominated and have their names appear upon the ballots as provided in ~~13-14-113~~ 7-34-2117."

Section 3. Section 7-34-2117, MCA, is amended to read:

"7-34-2117. Procedure for the conduct of election for trustees. (1) All elections ~~and nominations for election~~ of trustees following the election of the first board of trustees shall be conducted at the time provided in ~~13-1-104(3)~~ and in the manner provided by ~~Title 13~~ Section 8].

~~(2) Candidates for the office of trustee must be nominated by petition filed with the deputy election administrator at least 30 days before the election day and signed by at least five electors of the district.~~

~~(2)(3)~~ If there is no nomination petition filed, it shall not be necessary to hold an election but the board of county commissioners shall appoint a trustee to fill the term, the term to be the same as if the trustee were elected."

Section 4. Section 7-34-2118, MCA, is amended to read:

"7-34-2118. Term of office. (1) The trustees elected

for the first board shall serve for terms:

(a) commencing upon their being elected and qualified;

and

(b) terminating 1, 2, and 3 years, respectively, from the first ~~Monday-in-January district meeting~~ following their election and until their respective successors shall be elected and qualified.

(2) Annually thereafter there may be elected a trustee to serve for a term of 3 years and until his successor shall be qualified. Such term of 3 years shall commence ~~on at~~ the first ~~Monday-in-January district meeting~~ following the said trustee's election."

Section 5. Section 13-1-104, MCA, is amended to read:

"13-1-104. Times for holding general elections. (1) A general election shall be held throughout the state in every even-numbered year on the first Tuesday after the first Monday of November to elect federal officers, state or multicounty district officers, members of the legislature, judges of the district court, and county officers when the terms of such offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.

(2) A general election shall be held throughout the state in every odd-numbered year on the first Tuesday after

the first Monday in November to elect municipal officers, officers of political subdivisions wholly within one county ~~and not required to hold annual elections~~, and any other officers specified by law for election in odd-numbered years when the term for the offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.

(3) The general election for any political subdivision required to hold elections annually shall be held ~~with--the general election provided for in subsections (1) and (2)--if a--primary--election--is--necessary--it--shall--be--held--at--the same time as the primary provided for--the--regular--general election--for--that--year~~ on school election day, the first Tuesday of April of each year, and is subject to the election procedures provided for in [section 5]."

Section 6. Section 13-1-301, MCA, is amended to read:

"13-1-301. Election administrator. (1) The county clerk and recorder of each county is the election administrator unless the governing body of the county designates another official or appoints an election administrator.

(2) The election administrator is responsible for the administration of all procedures relating to registration of electors and conduct of elections and shall keep all records

relating to elector registration and elections.

(3) The election administrator is responsible for appointing a deputy election administrator for each political subdivision required to hold annual elections under the provisions of 13-1-104(3). Each deputy election administrator is responsible for the conduct of the annual elections of such political subdivision, as provided by [section 8]."

Section 7. Section 13-1-302, MCA, is amended to read:

"13-1-302. Election costs. (1) Unless specifically provided otherwise, all costs of the primary and general elections regularly scheduled for even-numbered years shall be paid by the counties.

(2) Costs of the primary and general elections regularly scheduled for odd-numbered years shall be paid by the counties and other political subdivisions for which the elections are held. Each political subdivision shall bear its proportionate share of the costs as determined by the county governing body.

(3) A political subdivision holding an annual election with a regularly scheduled school election shall bear its proportionate share of the costs as determined by the county governing ~~body~~ election administrator and the school district election administrator.

(4) The political subdivision for which a special

1 election is held shall bear all costs of the election, or
2 its proportionate share as determined by the county
3 governing body if held in conjunction with any other
4 election.

5 (5) Costs of elections may not include the services of
6 the election administrator or capital expenditures.

7 (6) The county governing body shall set a schedule of
8 fees for services provided to school districts by the
9 election administrator.

10 (7) Election costs shall be paid from county funds,
11 and any shares paid by other political subdivisions shall be
12 credited to the fund from which the costs were paid."

13 NEW SECTION. Section 8. Manner of conducting general
14 elections for political subdivisions required to hold annual
15 elections. (1) Any political subdivision required to hold
16 annual elections under 13-1-104(3) may cooperate with school
17 districts having similar district boundaries to hold the
18 election at the same location. The deputy election
19 administrator appointed under the provisions of 13-1-301
20 shall cooperate with the school district election
21 administrator to share costs, as provided in 13-1-302.

22 (2) A political subdivision subject to 13-1-104(3) may
23 conduct its annual election at an annual meeting of the
24 political subdivision or at another convenient location
25 within the political subdivision.

1 (3) The deputy election administrator conducting an
2 election under the provisions of subsections (1) or (2)
3 shall give notice of the election not less than 20 days or
4 more than 40 days before the day of the election by display
5 advertisement at least two times in a newspaper of general
6 circulation within the political subdivision. The deputy
7 election administrator may notify the public of the election
8 by additional posting of notices or radio and television
9 announcements.

10 Section 9. Section 85-7-1702, MCA, is amended to read:

11 "85-7-1702. Regular election -- term of office. (1)
12 Candidates for the office of commissioner may be nominated
13 by petition filed with the deputy election administrator at
14 least 30 days before the election and signed by at least
15 five electors of the district. If no nominations are made,
16 the electors of the district shall write on the ballots the
17 name or names of the persons for whom they desire to vote.

18 (2) The regular election for commissioners in each
19 district shall be held annually in accordance with 13-1-104
20 and [section 8].

21 (3) ~~within~~ Within 40 days following their election the
22 commissioners shall meet and organize as a board by electing
23 a president from their number and a secretary, who may or
24 may not be a commissioner, and who shall each hold office
25 during the pleasure of the board. The term of office of each

1 commissioner shall begin on the date of the organizational
2 meeting after the regular election and shall continue for 3
3 years and until the election and qualification of his
4 successor.

5 ~~(4)~~ Commissioners are elected by the electors of the
6 entire district."

7 Section 10. Section 85-7-1710, MCA, is amended to
8 read:

9 "85-7-1710. Qualification of electors and nature of
10 voting rights. (1) At all elections held under the
11 provisions of this part, except as otherwise expressly
12 provided, the following holders of title or evidence of
13 title to lands within the district, herein designated
14 electors, are entitled to vote:

15 (a) all individuals having the qualifications of
16 electors under the constitution and general ~~and school~~
17 ~~election laws of the state, except that no registration of~~
18 ~~electors may be required;~~

19 (b) guardians, executors, administrators, and trustees
20 ~~residing in the state;~~

21 (c) domestic corporations, by their duly authorized
22 agents.

23 (2) In all elections held under this part, each
24 elector is permitted to cast one vote for each 40 acres of
25 irrigable land or major fraction thereof owned by the

1 elector within the district, irrespective of the location of
2 the irrigable lands within the tracts designated by the
3 commissioners for assessment and taxation purposes or within
4 congressional subdivisions, platted lots or blocks (except
5 as hereinafter provided for), election precincts, or
6 district divisions, but any elector owning any less than 40
7 acres of irrigable land is entitled to one vote. Until the
8 irrigable area under the proposed plan of reclamation is
9 determined, all land included within the boundaries of the
10 district shall be considered irrigable land for election
11 purposes.

12 (3) Whenever land is owned by co-owners, the owners
13 may designate one of their number or an agent to cast the
14 vote for the owners, and one vote only for each 40 acres of
15 irrigable land or major fraction thereof may be cast by the
16 voting co-owner or agent. Whenever land is under contract of
17 sale to a purchaser residing within the state, the purchaser
18 may vote on behalf of the owner of the land. When voting,
19 the agent of a corporation or co-owners, the co-owner
20 designated for purpose of voting, or the purchaser of land
21 under contract of sale, as the case may be, shall file with
22 the secretary of the district or with the election officials
23 a written instrument of his authority, executed and
24 acknowledged by the proper officers of the corporation, by
25 the co-owners, or by the owner of land under contract of

1 sale, as the case may be, and thereupon the agent or
 2 co-owner or purchaser, as the case may be, is an elector
 3 within the meaning of this part. whenever the total
 4 irrigable acreage within any one district has been platted
 5 or subdivided into lots or blocks to the extent of 5% or
 6 more of the total acreage of the district, each elector is
 7 permitted to cast one vote for each acre of irrigable land
 8 or major fraction thereof owned by the elector within the
 9 district, irrespective of the location of such irrigable
 10 lands within the tracts designated by the commissioners for
 11 assessment and taxation purposes or within the congressional
 12 subdivisions, but any elector owning any less than 1 acre of
 13 irrigable land within the district is entitled to one vote.
 14 The balloting shall take place in the following manner: 10
 15 votes or less, separate ballots will be used; more than 10
 16 votes, the elector shall vote in blocks of 10 using one
 17 ballot for each 10 votes and separate ballots for odd votes
 18 over multiples of 10. ~~The election shall otherwise conform~~
 19 ~~with the provisions of Title 13.~~"

20 Section 11. Section 85-8-302, MCA, is amended to read:
 21 "85-8-302. Election of commissioners -- regular term
 22 of office. (1) The regular election of commissioners shall
 23 be held annually in accordance with 13-1-104 and ~~[section~~
 24 ~~8]~~. The term of office of commissioners shall commence on
 25 the first Monday ~~Tuesday~~ in January ~~May~~ following their

1 election. At the first regular election following the
 2 organization of a district and in districts organized and in
 3 existence on March 1, 1921, and which, on petition, have
 4 been divided into divisions, at the first regular election
 5 following the date of the order making such division, there
 6 shall be elected three commissioners, one commissioner being
 7 elected from each division of which he must be an actual
 8 landowner. One of the commissioners, to be determined by
 9 lot, shall hold office until the first Monday ~~Tuesday~~ in
 10 January ~~May~~ in the year following his election; another of
 11 the commissioners, to be determined by lot, shall hold
 12 office until the first Monday ~~Tuesday~~ in January ~~May~~ in the
 13 second year following his election; and the third of the
 14 commissioners shall hold office until the first Monday
 15 ~~Tuesday~~ in January ~~May~~ in the third year following his
 16 election. Thereafter one commissioner shall be elected each
 17 year, who shall hold office for a term of 3 years and until
 18 his successor is elected and qualified. The person elected
 19 as a commissioner in each year to succeed the commissioner
 20 whose term is then expiring must be elected as a
 21 commissioner from the same division as the commissioner whom
 22 he is to succeed.

23 (2) Each commissioner must be a resident of a county
 24 where a portion of the district lands is situated."

25 Section 12. Section 85-8-304, MCA, is amended to read:

1 "85-8-304. Results of election. The clerk ~~secretary~~ of
 2 the board of ~~directors~~ commissioners shall enter the result
 3 of the election in the minutes of the board and file with
 4 the clerk of the district court creating the district a
 5 statement showing the names of the persons elected as
 6 commissioners, the names of the commissioners whose term
 7 will expire on the first ~~Monday~~ Tuesday in ~~January~~ May
 8 following, and the names of all of the persons who will
 9 compose the board of ~~directors~~ commissioners for the year
 10 next following the first ~~Monday~~ Tuesday in ~~January~~ May."

11 Section 13. Section 85-8-306, MCA, is amended to read:

12 "85-8-306. Nominations. Candidates for the office of
 13 commissioner to be filled by election ~~under--the--provisions~~
 14 ~~of--this--part~~ may be nominated by petition filed with the
 15 county ~~deputy~~ election administrator at least 30 days before
 16 the election and signed by at least five electors of the
 17 district. If no nominations are made, the electors of the
 18 district shall write on the ballots the name or names of the
 19 persons for whom they desire to vote. ~~Nothing--herein~~
 20 ~~contained--shall~~ This section does not prevent an elector
 21 from voting for any qualified person, although the name does
 22 not appear on the official ballot."

23 Section 14. Transition of officers. (1) If the
 24 effective date of this act is on or later than March 15,
 25 1981, then any officer of a hospital, fire, irrigation, or

1 drainage district whose term was due to expire following the
 2 November 1981 election of his successor is entitled to
 3 remain in office until his successor is properly qualified
 4 following an election held in April, 1982.

5 (2) If the effective date is before March 15, 1981,
 6 then an election of officers may be held on school election
 7 day in April, 1981. However, the officers of the district
 8 may decide that the best interests of the district would not
 9 be served by giving such short notice for an election and
 10 may follow the procedure in subsection (1)."

11 Section 15. Repealer. Section 85-8-303, MCA, is
 12 repealed.

13 Section 16. Effective date. This act is effective on
 14 passage and approval.

-End-

STATUS SHEET

STATE ADMINISTRATION COMMITTEE

47 Legislature

Bill No.	Subject matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
HB 117	ACT TO SUBMIT TO QUALIFIED ELECTORS OF ST. OF MT. AMENDMENTS TO ARTICLE VIII OF MT CONSTITUTION...	1/8	JACOBSON ROUSH	1/14/81	DO NOT PASS	1/15/81
HB 122	AN ACT TO AMEND SEC.6, CHAP. 632, LAWS OF 1979, TO CORRECT AN INCORRECT REFERENCE; PROVIDING AN IMMEDIATE EFFECTIVE DATE.	1/8/81	HARPER	1/15/81	DO PASS	1/15/81
HB 125	AN ACT TO MAKE PAYMENT OF SALARIES OF HIGHWAY PAT. OUT OF THE HIGHWAY DEPT. ACCOUNT IN THE EARMARKED REVENUE FUND...	1/8/81	BARDANOUE	1/15/81	died in committee	
HB 128	AN ACT ALLOWING COOPERATIVES TO MAKE PAYMENTS IN LIEU OF CONTRIBUTIONS TO THE STATE UNEMPLOYMENT INSURANCE FUND...	1/9	MANUEL	1/19/81 -22-	DO NOT PASS	1/22/81
HB 138	AN ACT TO AMEND SECTION 16-3-306, MCA, PREVENTING THE LICENSING OF ANY BUS. SELLING ALCOHOL IN CLOSE PROXIMITY TO A CHURCH OR SCHOOL...	1/9	ELLERD	1/19/81	DO PASS AS AMENDED	1/20/81
HB 139	TO REMOVE ANNUAL ELECTIONS OF FIRE DISTRICTS, HOSP. DIST. IRRIGATION DIST. & DRAINAGE DIST. FROM CONSOLIDATING PROVISIONS OF TITLE 13; ...	1/9	THOFT, BENGTON	1/14/81	DO PASS	1/15/81

STATE ADMINISTRATION
JANUARY 14, 1981
RM 436

The meeting of the House State Administration Committee was called to order at 8:00 a.m. January 14, 1981, with Chairman Jerry Feda presiding. All members were present except Representative Azzara who was absent and Representative McBride who was present only for the hearings and not for executive session.

Chairman Feda was excused to attend another hearing.

Vice Chairman Sales opened the hearing on House Bill 81.

HOUSE BILL 81-SPONSOR, REPRESENTATIVE PAVLOVICH, introduced the bill to the committee. This bill, requested by the Attorney General, requires individuals or firms who install or service fire extinguishers, fire alarm systems, or fire extinguishing systems to annually renew their licenses or certificates of registration.

PROPOSERS

BOB KELLY, State Fire Marshall, appeared in support of HB 81. Mr. Kelly gave an evaluation of the amendments to the statute. He said the changes came about as the result of the work from three committees; the Committee on Portable Fire Extinguishers, the Committee on Fire Alarms and the Committee on Fire Extinguishing Systems. He explained that because there had been so many problems within the industry with complaints on the service, this annual renewal of licenses has been requested. He stated that annual renewal would help them to keep a better handle on the situation. If the Fire Marshall feels that a certain individual needs to take the examination over, this can be requested. However, no examination is required.

DAVE FISHER, Montana Volunteer Firemen's Assoc., arose in support of the bill.

ART KORN, Montana Volunteer Firemen's Assoc., arose and stated their support of the bill.

OPPOSERS

NEIL FLAHERTY, Leasing Inc., arose in opposition to HB 81. He said that when this act was passed in 1975 the Fire Marshall said that all he wanted was a handle on the people in the business. He said that all this annual fee would do is saddle more cost on the industry. He said that historically when bills are introduced to give more control over an industry, eventually a request

Representative Jacobsen closed the hearing on House Bill 117.

Vice Chairman Sales opened the hearing on House Bill 139.

HOUSE BILL 139-SPONSOR, REPRESENTATIVE THOFT, introduced the bill to the committee. Under the provisions of this bill, annual elections of special districts (fire, hospital, irrigation, and drainage) must be held on school election day (first Tuesday of April). These elections may be coordinated with school district elections. The bill also provides a uniform nominating procedure for candidates and a standard term of office.

PROPOSERS

DARLENE HUGHS, Clerk & Recorder of Ravalli County, testified in support of this legislation. Ms. Hughes brought samples of the different ballots and a print out list of names of who lives in what district, who receives what ballots, etc. to point out the unnecessary paper work involved in the current system. She also pointed out that with the present system there is no privacy for the voter because many times they are the only one voting in a district.

BETTY LUND, also a clerk in Ravalli County, arose in support of House Bill 139.

Also appearing in support of HB 139 were HENRY LOHR and ART KORN, representing the Montana State Volunteer Firemen's Assoc.

OPPOSERS

There were no opposers to House Bill 139.

Vice Chairman Sales opened the hearing for questions from the committee.

Representative Dussault asked Ms. Hughes if 30 days would be enough time to prepare ballots. The answer to this question was yes.

There were also some questions about page 2 of the bill which states a voter would not have to be a registered voter.

It was mentioned that this bill would save money for the counties because of the consolidation of elections.

HOUSE STATE ADMINISTRATION

BILL SUMMARIES

January 14, 1981

- HB 81 (PAVLOVICH): This bill, requested by the Attorney General, requires individuals or firms who install or service fire extinguishers, fire alarm systems, or fire extinguishing systems to annually renew their licenses or certificates of registration. No examination for renewal is required, and fees collected from these renewals are deposited in the general fund.
- HB 97 (FEDA): This bill, requested by the Public Employees' Retirement Board, amends the game warden's retirement act by redefining accumulated deductions and eliminating the definitions of optional retirement age and retirement age. The bill also provides that a member with ten years or more of service who terminates before reaching retirement age will receive his membership contribution plus interest. In addition, a member with ten years or more of service who is involuntarily terminated will receive his accumulated deductions in a lump-sum payment or as a retirement allowance beginning at age 55.
- HB 98 (FEDA): This bill, requested by the Public Employees' Retirement Board, eliminates the definition of involuntary retirement and optional retirement age and expands the definition of retirement age in the Highway Patrolmen's Retirement Act. The bill also provides that a retirement allowance based on a retirement age of 60 may be paid to an officer who is involuntarily discontinued from service. In addition, benefits are extended to surviving spouses who have exhausted their benefits.
- HB 117 (JACOBSON): This bill proposes a constitutional amendment removing the authority of the state to appraise, assess, and equalize the valuation of property within the county and transfers these duties to a joint state-county taxation commission.
- HB139 (THOFT): Under the provisions of this bill, annual elections of special districts (fire, hospital, irrigation, and drainage) must be held on school election day (first Tuesday of April). These elections may be coordinated with school district elections. The bill also provides a uniform nominating procedure for candidates and a standard term of office.

STATE ADMINISTRATION
JANUARY 15, 1981
RM 436

The meeting of the House State Administration Committee was called to order at 8:00 a.m. on January 15, 1981 with Chairman Jerry Feda presiding. All members were present except representative Azzara who was absent.

Chairman Feda opened the hearing on House Bill 23.

HOUSE BILL 23-SPONSOR, REPRESENTATIVE GENE DONALDSON, introduced the bill to the committee. This bill terminates the state airplane pool by removing some of the Department of Community Affairs' aeronautical powers and duties and requires the department to transfer, retain, or sell certain airplanes and hangars. Representative Donaldson passed out a copy of proposed amendments to HB 23 and a copy of the bill as it would read with the amendments. This proposal is attached and is EXHIBIT 2 of the minutes.

PROPOSONENTS

DAVE WANZENRIED, Dept. of Community Affairs, stated their support of the bill with the proposed amendments.

LEE BAKER, Montana Pilots Assoc., arose in support of the bill but felt that a couple things should be pointed out to the committee. He said that the trade in of the "Queen Air" was purchased with trust fund money and aviation fuel tax money. He stated that the pilots would like to see the value of the "Queen Air" given back to the trust fund. He said that in a meeting with the Department of Community Affairs and the Office of Budget and Program in September, they agreed that this value would be \$76,000. Another point, he stated, concerned a T-41 Cessna that was returned to the aeronautics division that had a reserve account of \$7,378 that went to the airplane pool when the account was transferred over but has not been returned.

There were no other proponents testifying on HB 23.

OPPONENTS

There were no opponents to House Bill 23.

Chairman Feda opened the hearing to questions from the committee.

Representative Sales asked Mr. Baker how the pilots

STATE ADMINISTRATION
JANUARY 15, 1981
Page 5

EXECUTIVE SESSION

HOUSE BILL 81

DO NOT PASS

Representative Mueller made a motion that House Bill 81 DO NOT PASS. The motion was seconded by Representative Winslow.

Discussion followed. It was stated during discussion that this bill would only add more bureaucratic paper work to these business' and that a better method of controlling the quality of service can be found.

Question being called, a vote was taken and carried 16 YES and 2 NO with one absent. Representatives Hanson and Kanduch voted NO.

HOUSE BILL 139

DO PASS

Representative O'Connell made a motion that House Bill 139 DO PASS. The motion was seconded by Representative Smith. Question being called, a vote was taken and carried unanimously that HB 139 DO PASS.

HOUSE BILL 117

DO NOT PASS

Representative Briggs recommended that the committee give a DO PASS to HB 117. Representative Kropp agreed with this motion.

Discussion of the fiscal impact of the bill followed.

Question being called, a roll call vote was taken. Motion failed 6 YES and 12 NO and 1 absent.

Representative McBride made a motion to reverse the decision. Motion carried unanimously.

HOUSE BILL 23

DO PASS AS AMENDED

Representative Sales made a motion to adopt the proposed amendments. (A final copy of the amendments is attached to the minutes and is EXHIBIT 6.) Representative Kropp seconded the motion.

Lois Menzies, Researcher, went through the amendments with the committee for clarification.

A vote was taken and carried unanimously to accept the amendments.

PAGE one

COMMITTEE ON STATE ADMINISTRATION

HOUSE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON- CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CON- CURRED IN DATE
25	1/13	3/20					3/24		
26	3/3	3/19						3/18	
38	1/19	3/4						3/10	
48	1/16	3/16						3/25	
60	2/14	3/3					3/3		
71	3/3	3/20						3/24	
74	2/3	3/4						3/10	
88	1/16		3/2						
97	1/19	3/16						3/24	
98	1/19	3/16					3/17		
102	1/26	3/11						3/17	
108	2/10	3/4							3/4
135	1/28	3/16						3/17	
139	1/20	2/6 2/10					2/10		
145	2/14	3/3					3/3		
147	1/23	3/16					3/17		

Use a separate sheet for Senate, House Bills, and Resolutions.

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

February 6, 1981

The twenty-second meeting of the Senate State Administration Committee was called to order by Senator Towe who assumed the chair because of the absence of Senator Story until his arrival.

ROLL CALL: All members of the committee were present except Senator Johnson and Senator Kolstad.

CONSIDERATION OF SENATE JOINT RESOLUTION 5:

A JOINT RESOLUTION OF THE SENATE AND THE
HOUSE OF REPRESENTATIVES OF THE STATE OF
MONTANA URGING THE UNITED STATES CONGRESS
TO ENACT LEGISLATION NECESSARY TO ASSURE
RESUMPTION OF CONSTRUCTION OF ADDITIONAL
GENERATING UNITS AT LIBBY DAM AND THE
REREGULATION DAM ABOVE LIBBY.

Senator William Hafferman, sponsor of the bill, said he is introducing it because so many have told their congressman to authorize and enact legislation for the resumption of the construction of the projects started at Libby Dam. He pointed out that this idea began in 1953 and has not been completed at this date.

PROPONENTS: Senator Carroll Graham, Lodge Grass, referred to the rereg dam that has been put to use in his area. He had seen the Libby Dam and was concerned that construction had been stopped there.

Senator Story assumed the chair at this time.

Senator Manley, proponent, stated on his vacation to see the dams in the state he had noted that in Libby four generators are finished and four are yet to be built. The official office is not in Libby but in another city; therefore, they would not realize the safety of all in determining the need for the rereg dam.

Pat Stuart, Montana Coal Counsel, stated that hydropower is valuable to western Montana, and completion is essential to maintain the mix between western and eastern Montana.

Minutes of Meeting on State Administration Committee

Peter Jackson, WETA, mentioned in the initial period of building the dam common sense would have indicated that a rereg dam should be included. The original idea had neglected including a rereg dam.

Bill Hand, Mt. Mining Assn., had also visited the dam and realized it has a peaking power situation. He stated the investment and development would be encouraged by the further construction of this project.

Joyce Brooks enclosed testimony which she read aloud.

George Johnson, ASARCO, stated the practical place to store electricity is in the high power facility. The rereg dam could produce power when it is needed most.

Don Allen, Petroleum Assn., said the state needs help in balancing their needs to solve their total energy requirements, and this is an opportunity to progress ahead on the rereg dam.

Senator Hafferman had statements from Senator George McCallum to be recorded as testimony that he has investigated the situation thoroughly and is a proponent of this bill.

OPPONENTS: Ellen Ditzler, Environment Interest Center, read her enclosed testimony.

Barb Rhodes, Libby, Coordinator of Save the Kootenai, passed out letters to the senators and enclosed written testimony.

Questions of the committee: Senator Hafferman asked Mr. Jackson to speak on GAO report and he did, noting that they had considered it weak and unsuitable to the situation.

In closing by Hafferman he mentioned again that he had been in on the original start of the dam and cited the many situations that have prevented the finish of this project.

The hearing was closed on S.J.R. 5.

CONSIDERATION OF HOUSE BILL NO. 139:

AN ACT TO REMOVE THE ANNUAL ELECTIONS OF FIRE DISTRICTS, HOSPITAL DISTRICTS, IRRIGATION DISTRICTS, AND DRAINAGE DISTRICTS FROM THE CONSOLIDATING PROVISIONS OF TITLE 13; TO PROVIDE THAT THE ELECTIONS FOR SUCH POLITICAL SUBDIVISIONS BE HELD ON SCHOOL ELECTION DAY, THE FIRST TUESDAY OF APRIL, EITHER IN COOPERATION WITH A SCHOOL DISTRICT OR AT ANOTHER CONVENIENT LOCATION WITHIN THE POLITICAL SUBDIVISION: TO PROVIDE FOR A MANNER OF CONDUCTING SUCH ELECTIONS, NAMING QUALIFIED ELECTORS, AND NOMINATING CANDIDATES FOR OFFICE.

Minutes of Meeting on State Administration
Committee

February 6, 1981

Representative Bob Thoft, District 2, sponsor of the bill, stated the bill returns elections to the districts and will continue on their own as they had in the past prior to passage of that bill. The reasons he asks for passage of this bill is because, if not, the commissioners will be bunched into the following year's elections plus those who would be due for election.

PROPOSERS: Darlene Hughes, Clerk and Recorder of Ravalli County, stated the present law disenfranchises a person because he cannot have secrecy. She also stated they must be a registered voter of Montana. If they are not a registered voter in their precinct, they cannot vote on certain districts. She showed some examples of how they have handled the problem with a pile of colored ballots that were unacceptable by all. She felt it is not fair to the voter himself to have this law.

Betty Lund, another Clerk and Recorder, who had to solve this problem, cited that she was the only person in her district who voted and feels this is unconstitutional. She suggested they put it back to the districts themselves and they would do a better job.

Charles Crane, Mt. Irrigation District, feels this is a necessary step and had the same reasons as proponents before him.

R. A. Ellis, Montana State Volunteer Fire Assoc., Helena, had been given suggestions that they have no election but appointees. It has been salaried to the county election. There is no fear of elections being misused. He does not want to pay the extra costs to the county administrator.

Al Korn, Dave Fisher, and Mike Walker supported the bill because of its great need.

OPPOSERS: Margaret Davis, LWV, enclosed her testimony, plus that of another opponent.

Questions of the committee: Senator Towe asked Rep. Thoft his thoughts about part 3 in section 6 on page 6. He answered that it would be no problem, and the important thing is that they would be dealing with elected officials that would conduct it properly.

Senator Towe asked the others in the room if they would have a problem with appointing a deputy election administrator. Answer was no.

Senator Ryan asked about the clerk and recorder in some counties not being the elected administrator and was told that it may be different in some counties. Rep. Thoft said

this bill names the elected administrator.

The hearing was closed on House Bill 139.

CONSIDERATION OF HOUSE BILL NO. 259:

AN ACT TO AUTHORIZE THE INCURRING OF
LIABILITIES AND EXPENSES WHEN AN ENERGY
SUPPLY ALERT OR AN EMERGENCY OR DISASTER
ARISING FROM AN ENERGY SHORTAGE IS DECLARED
BY THE GOVERNOR.

Senator Steve Brown, Helena, sponsor of the bill, said this bill will give the governor authority to incur expenses in emergencies arising from an energy shortage.

PROPONENTS: Alan Davis stated that the bill provides for expenses incurred to be paid out of the state disaster fund. The governor can declare energy supply alert and energy emergency. It makes sense to have the cost paid as they are incurred.

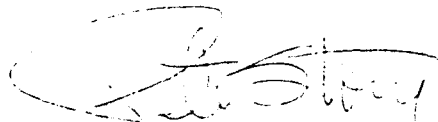
Larry Darcy and Col. Gilbertson supported this bill.

OPPONENTS: None

Questions from the committee: Senator Towe asked Alan Davis about the costs, and he answered they are just asking about additional costs.

Senator Brown asked Senator Story about legislation in the 1979 legislature that might have affected this bill. He stated he would research it with John Hollow, Legislative Council.

ADJOURNMENT: 11:35.



PETE STORY, CHAIRMAN

2

East Cove Hamilton Pt

307-1823

Rivallin Co.

H B 139

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Betty T Lund DATE: 2/6/81

ADDRESS: Ravalli County Courthouse Clerk + Recorder's Office

PHONE: 363-1833

REPRESENTING WHOM? Ravalli County Clerk + Recorder

APPEARING ON WHICH PROPOSAL: H.B. 139

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: R. H. Ellis DATE: 1/6/81

ADDRESS: 1735 Sierrard Helena

PHONE: 458-5586

REPRESENTING WHOM? Mont State Vol Fire Dept

APPEARING ON WHICH PROPOSAL: HB-139

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: ART KORN

DATE: 2-6-81

ADDRESS: 1916 So WASH. ST BUTTE

PHONE: 723 4691

REPRESENTING WHOM? MONT. STATE VOL. FIREMEN'S ASSOC

APPEARING ON WHICH PROPOSAL: HB 139

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Tom Fisher DATE: 10-1-61

ADDRESS: 1428 A Washington St North West

PHONE: 402-8055

REPRESENTING WHOM? United Brotherhood of Carpenters

APPEARING ON WHICH PROPOSAL: 40-50

DO YOU: SUPPORT? / AMEND? OPPOSE?

COMMENTS: See attached letter from 10-1-61

Ellen Knight
5800 Rattlesnake
Missoula, Mt. 59801

January 20, 1981

Dear Rep. Eudaily,

I am writing about your bill HB 139 which would change (potentially) the voting procedures for rural fire districts among other things. The reason I am concerned about this is something that happened to me a few years ago. When voting at a school election it was brought to my attention that an election for rural fire district board members was taking place at the same time, but at the fire house. I consider myself to be a fairly well informed voter, but prior to that time I had not even heard of these elections. I assumed that many other people also do not know about them. So I took it upon myself to see if my theory was correct, and I did a little research. Here is what I found.

1. The County Clerk and Recorders office had no records of the fire district elections.
2. I finally tracked down a fire district board member who told me the following:
 - a. The Missoula Rural Fire District has a potential of about 37,000 voters.
 - b. In the elections held at the various fire houses 32, repeat, 32 people voted.
 - c. The Missoula Rural Fire District had a budget that year of approximately \$500,000.
 - d. The rural fire districts set their own budgets and the county collects the taxes accordingly.

I realize that when elections are held in conjunction with school or county elections that it costs the fire district a fair amount of money, an excessive amount in the judgement of some. I agree that elections can be quite expensive, but the voter turn-out was totally unacceptable, particularly with a budget as large as theirs and with taxing authority which goes virtually unscrutinized. I have no reason to think that our fire district is doing anything other than a good job, but I strongly feel that voters ought to have a better and more clearly defined role in electing these board members. The potential for mismanagement of funds or other problems certainly is increased by the lack of any public involvement.

I was pleased to see that the rural fire district board candidates were included in the last county election. I thought that was one step in the right direction. I have also noticed that board meetings have been announced recently in the "Around Missoula" column....as they should be and as they were not before. I urge you to keep fire district elections at the same locations as the county elections. Surely the election problems faced by the districts can be solved in some other way that is not at the expense of voters voting.

I would very much appreciate hearing from you on this. Thanks very much for your time and good luck in "surviving the session!"

Sincerely,
Ellen Knight
Ellen Knight

Aug 1981 2-6-81

League of Women Voters of Montana 6 Feb 81



Mrs. J. Davis
Helena, Montana 59601

HB 172 - Oppose
Removing district elections from Title 13

By these remarks I mean to cast no aspersions on those serving as commissioners or trustees in these special districts. These people have dedicated themselves to providing essential services to these areas. However, these districts range greatly in size and population and many are in the "big leagues" with big budgets.

The League of Women Voters is concerned about the changes in special district elections. These districts have considerable powers - they are in essence independent, autonomous taxing authorities with the power to issue bonds. They are not accountable to county elected officials.

The original legislation creating each district stipulated annual elections as a safeguard for the taxpayers of each district. Having provided that safeguard, the League believes these elections should be the best elections the law can provide.

We believe that elections should be held at the same times and places as other elections. While HB 172 sets school election day as the date, it makes cooperation with the appropriate school districts optional. The election may take place "at an annual meeting or at another convenient location" (page 7, Sec. 8.2). The hours for voting may be severely limited under this provision. The election "procedures" specified in Sec. 8 (page 7) are remarkable in their lack of direction and accountability. They fail to mention ballots, election judges, poll lists of voters, reporting of results, or any of the things associated with an orderly election to which citizens are entitled.

The decision to include special district elections in the consolidated election laws was not reached lightly. This action was recommended in the 1973 study which grew out of a legislative study made in 1968. The consolidated laws do present some problems regarding special districts, but it seems more logical to work within Title 13 to resolve these difficulties. To scatter election procedures throughout the codes would be to turn back the clock.

The citizen's most direct and precious link with government is through an election. The law should assure that qualified electors have convenient access to participating and that their votes will be handled according to standards meeting the provisions of Article IV, Section 3 of the Montana constitution.

Sample mill levies (Montana Taxation - 1981) for special districts:
Missoula County - Fire - 7.55 to 25.54 mills, hospital - 7 mills
Park County - Fire - 2 to 22.50 mills
Prairie County - Fire - 4.12 to 2.77 mills
Roosevelt County - Hospital - 6 to 12.12 mills

Margaret Enlow

Oppose #139 2-6-81

Missoula

FIRE PH. 549-6171
BUS. PH. 549-6172

Rural Fire District

2521 SOUTH AVENUE WEST . MISSOULA, MONTANA 59801

February 4, 1981

Senator Pete Story
Montana State Senate
Capitol Station
Helena, Montana 59601

Dear Senator Story:

Missoula Rural Fire District would like to go on record in opposition to HB 139.

Removing the annual elections of fire districts from the consolidating provisions of Title 13 would once again create the problem of having very few fire district residents electing members to the Board of Trustees, a Board which handles a budget of over \$600,000.00 per year.

We feel leaving the election combined with the County's primary and general elections will give the public greater knowledge of and exposure to the governing body of the fire district.

Thank you for considering our opposition to HB 139.

Sincerely,

Bruce

Bruce Suenram, Fire Chief
Missoula Rural Fire District

BS:lcd

DATE 2-6-81

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Ed. T. Fenn	Ravalli Co. Clerk & Recorder	H.B. 139	✓	
Julene E. Hughes	Ravalli Co. Clerk & Recorder	HB 139	✓	
Barbara L. Rhodes	Save the Kootenai	SJR 5		✓
Mary Wilham	Self	SJR 5		✓
Margaret Morris	League of Women Voters	HB 139		✓
Betsy Jackson	Weto	SJR 5	✓	
Joyce E. Brooks	MAN	SJR 5	✓	
George R. Johnson	Self	SJR 5	✓	
Pat Wilson	Montco	SJR 5 SJR 5		
Alma Davis	Department of Natural Resources	SB 259	✓	
Pat Stewart	2nd. Coal Council	SJR 5	✓	
Bill Hand	Mt. Mag. Assoc.	SJR 5	✓	
Karen Strickler	League of Women Voters	SB 259		
Dee Hermes	Senator Towe			
Lung Murphy	Mont. Farmers Union	SJR 5	✓	
Ellen Ditzler	ETC	SJR 5		✓
ART KORN	1916 So WASH. ST. Butte	HB 139	✓	
R. F. Ellis	1735 Sierra Helena MT	HB 139	✓	
Dave Fisher	1908 So Wash St Butte	HB 139	✓	
Frank Butni	3607 E Lake Butte	HB 139	✓	
LARRY DARCY	Dept of Administration	SB-259	✓	
Ch. GILBERTSON	DISASTER & ENG Soc	SB 259	✓	
Tom Allen	Mont. Petroleum Assoc	SJR 5	✓	
Julie Lee	MWPCA	HB 139	✓	
Mike Walker	MSCA FF.	HB 139	✓	

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

February 10, 1981

The twenty-fourth meeting of the Senate State Administration Committee was called to order by Senator Pete Story, Chairman, on the above date, in Room 442 of the State Capitol Building at 10:00 a. m.

ROLL CALL: All members of the committee were present.

CONSIDERATION OF SENATE BILL NO. 401:

AN ACT TO COMPENSATE LEGISLATORS FOR
INCIDENTAL EXPENSES INCURRED DURING
THE INTERIM:

ACTION ON SENATE BILL 401: This bill was requested by the Senate Committee on State Administration, and Senator Towe introduced it by saying it will provide for the legislators to receive incidental expense money, not to exceed \$50 a month, incurred during the interim. He moved it to include "mileage" on page 2, line 3, following "postage". This passed unanimously by the committee. Senator Towe then moved the bill DO PASS, AS AMENDED; carried unanimously.

ACTION ON SENATE BILL 181: John Hollow, Legislative Council, suggested amendments which were considered individually, moved and voted upon, passed unanimously. Senator Kolstad moved this bill DO PASS, AS AMENDED; passed unanimously. A fiscal note was received today.

ACTION ON SENATE BILL 184: Senator Hammond moved this DO PASS; passed unanimously.

CONSIDERATION OF HOUSE BILL 139: There was some discussion between Senator Towe and John Hollow, Legislative Council, about the possible problems with another bill already passed. Senator Towe moved H. B. 139 DO PASS; passed by majority with Senator Johnson voting no.

ACTION ON SENATE BILL 298: Senator Ryan moved it do pass; discussion was done regarding John Hollow's enclosed amendment. A substitute motion was made to amend by Senator Kolstad. Discussion followed; motion passed majority with Senators Hafferman and Ryan voting no. Senator Towe moved that an addition be made to line 13; discussion followed between Senators Towe, Story, and Ryan regarding the intent of the bill being to stop legislation by people not elected as legislators. The vote on Towe's amendment did not pass. See enclosed roll call vote.

STANDING COMMITTEE REPORT

FEBRUARY .0

21

19

PRESIDENT

MR.

STATE ADMINISTRATION

We, your committee on

HOUSE

139

having had under consideration Bill No.

HOUSE

139

Respectfully report as follows: That Bill No.

BE CONCURRED IN

~~XXXXX~~
DO PASS

1 HOUSE BILL NO. 139

2 INTRODUCED BY THOFT, BENGTSON, ROBBINS, MANUEL,
3 DONALDSON, SCHULTZ, SALES, WALDRON, NORDTVEDT, EUDAILY

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE ANNUAL
6 ELECTIONS OF FIRE DISTRICTS, HOSPITAL DISTRICTS, IRRIGATION
7 DISTRICTS, AND DRAINAGE DISTRICTS FROM THE CONSOLIDATING
8 PROVISIONS OF TITLE 13; TO PROVIDE THAT THE ELECTIONS FOR
9 SUCH POLITICAL SUBDIVISIONS BE HELD ON SCHOOL ELECTION DAY,
10 THE FIRST TUESDAY OF APRIL, EITHER IN COOPERATION WITH A
11 SCHOOL DISTRICT OR AT ANOTHER CONVENIENT LOCATION WITHIN THE
12 POLITICAL SUBDIVISION; TO PROVIDE FOR A MANNER OF CONDUCTING
13 SUCH ELECTIONS, NAMING QUALIFIED ELECTORS, AND NOMINATING
14 CANDIDATES FOR OFFICE; AMENDING SECTIONS 7-33-2106,
15 7-34-2116 THROUGH 7-34-2118, 13-1-104, 13-1-301, 13-1-302,
16 85-7-1702, 85-7-1710, 85-8-302, 85-8-304, AND 85-8-306, MCA;
17 REPEALING SECTION 85-8-303, MCA; AND PROVIDING AN IMMEDIATE
18 EFFECTIVE DATE."

19
20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

21 Section 1. Section 7-33-2106, MCA, is amended to read:

22 "7-33-2106. Details relating to board of trustees of
23 fire district. (1) The five trustees initially appointed by
24 the county commissioners shall hold office until their
25 successors are elected and qualified as hereinafter

1 provided.

2 (2) Trustees shall be elected as provided in
3 subsection (3) of this section, 13-1-104(3), and [section
4 8]. The term of office shall be 3 years beginning on at the
5 first Monday--in--January district meeting following their
6 election or until their successors are elected and
7 qualified. Appointments to fill vacancies shall be made by
8 the county governing body and appointees shall hold office
9 until the next regular election. ~~Nominations for office~~
10 ~~shall be made as provided in--13-14-113.~~ All electors, as
11 defined in Title 13, who reside in the district are eligible
12 to vote in the election including any holder of title to
13 lands within the district who presents a proof of interest
14 in such land at the polling place, regardless of whether he
15 is registered to vote.

16 (3) Candidates for the office of trustee of the fire
17 district to be filled by election may be nominated by
18 petition filed with the deputy election administrator at
19 least 30 days before the election day and signed by at least
20 five electors of the district. If no nominations are made,
21 the electors of the district shall write on the ballots the
22 name or names of the persons for whom they desire to vote.
23 This subsection does not prevent an elector from voting for
24 any qualified person, although the name does not appear on
25 the official ballot.

~~(3)~~(4) The trustees shall organize by choosing a chairman and appointing one member to act as secretary."

Section 2. Section 7-34-2116, MCA, is amended to read:

"7-34-2116. Election of first board of trustees. (1) The first board of trustees shall be elected at the same election held upon the creation of the district, subject to the creation thereof, and shall qualify upon the organization of the district if created.

(2) The trustees may be nominated and have their names appear upon the ballots as provided in ~~13-14-113~~ 7-34-2117."

Section 3. Section 7-34-2117, MCA, is amended to read:

"7-34-2117. Procedure for the conduct of election for trustees. (1) All elections ~~and nominations for election~~ of trustees following the election of the first board of trustees shall be conducted at the time provided in 13-1-104(3) and in the manner provided by ~~title 13~~ [section 8].

(2) Candidates for the office of trustee must be nominated by petition filed with the deputy election administrator at least 30 days before the election day and signed by at least five electors of the district.

~~(2)~~(3) If there is no nomination petition filed, it shall not be necessary to hold an election but the board of county commissioners shall appoint a trustee to fill the term, the term to be the same as if the trustee were

elected."

Section 4. Section 7-34-2118, MCA, is amended to read:

"7-34-2118. Term of office. (1) The trustees elected for the first board shall serve for terms:

(a) commencing upon their being elected and qualified; and

(b) terminating 1, 2, and 3 years, respectively, from the first ~~Monday in January~~ district meeting following their election and until their respective successors shall be elected and qualified.

(2) Annually thereafter there may be elected a trustee to serve for a term of 3 years and until his successor shall be qualified. Such term of 3 years shall commence ~~on at~~ the first ~~Monday in January~~ district meeting following the said trustee's election."

Section 5. Section 13-1-104, MCA, is amended to read:

"13-1-104. Times for holding general elections. (1) A general election shall be held throughout the state in every even-numbered year on the first Tuesday after the first Monday of November to elect federal officers, state or multicounty district officers, members of the legislature, judges of the district court, and county officers when the terms of such offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.

1 (2) A general election shall be held throughout the
 2 state in every odd-numbered year on the first Tuesday after
 3 the first Monday in November to elect municipal officers,
 4 officers of political subdivisions wholly within one county
 5 and not required to hold annual elections, and any other
 6 officers specified by law for election in odd-numbered years
 7 when the term for the offices will expire before the next
 8 scheduled election for the offices or when one of the
 9 offices must be filled for an unexpired term as provided by
 10 law.

11 (3) The general election for any political subdivision
 12 required to hold elections annually shall be held ~~with--the~~
 13 ~~general election provided for in subsections (1) and (2), if~~
 14 ~~a--primary--election--is--necessary, it shall be held at the~~
 15 ~~same time as the primary provided for--the--regular--general~~
 16 ~~election--for--that--year~~ on school election day, the first
 17 Tuesday of April of each year, and is subject to the
 18 election procedures provided for in [section 9]."

19 Section 6. Section 13-1-301, MCA, is amended to read:

20 "13-1-301. Election administrator. (1) The county
 21 clerk and recorder of each county is the election
 22 administrator unless the governing body of the county
 23 designates another official or appoints an election
 24 administrator.

25 (2) The election administrator is responsible for the

1 administration of all procedures relating to registration of
 2 electors and conduct of elections and shall keep all records
 3 relating to elector registration and elections.

4 (3) The election administrator is responsible for
 5 appointing a deputy election administrator for each
 6 political subdivision required to hold annual elections
 7 under the provisions of 13-1-104(3). Each deputy election
 8 administrator is responsible for the conduct of the annual
 9 elections of such political subdivision, as provided by
 10 [section 8]."

11 Section 7. Section 13-1-302, MCA, is amended to read:

12 "13-1-302. Election costs. (1) Unless specifically
 13 provided otherwise, all costs of the primary and general
 14 elections regularly scheduled for even-numbered years shall
 15 be paid by the counties.

16 (2) Costs of the primary and general elections
 17 regularly scheduled for odd-numbered years shall be paid by
 18 the counties and other political subdivisions for which the
 19 elections are held. Each political subdivision shall bear
 20 its proportionate share of the costs as determined by the
 21 county governing body.

22 (3) A political subdivision holding an annual election
 23 with a regularly scheduled school election shall bear its
 24 proportionate share of the costs as determined by the county
 25 governing--body election administrator and the school

1 district election administrator.

2 (4) The political subdivision for which a special
3 election is held shall bear all costs of the election, or
4 its proportionate share as determined by the county
5 governing body if held in conjunction with any other
6 election.

7 (5) Costs of elections may not include the services of
8 the election administrator or capital expenditures.

9 (6) The county governing body shall set a schedule of
10 fees for services provided to school districts by the
11 election administrator.

12 (7) Election costs shall be paid from county funds,
13 and any shares paid by other political subdivisions shall be
14 credited to the fund from which the costs were paid."

15 NEW SECTION. Section 8. Manner of conducting general
16 elections for political subdivisions required to hold annual
17 elections. (1) Any political subdivision required to hold
18 annual elections under 13-1-104(3) may cooperate with school
19 districts having similar district boundaries to hold the
20 election at the same location. The deputy election
21 administrator appointed under the provisions of 13-1-301
22 shall cooperate with the school district election
23 administrator to share costs, as provided in 13-1-302.

24 (2) A political subdivision subject to 13-1-104(3) may
25 conduct its annual election at an annual meeting of the

1 political subdivision or at another convenient location
2 within the political subdivision.

3 (3) The deputy election administrator conducting an
4 election under the provisions of subsections (1) or (2)
5 shall give notice of the election not less than 20 days or
6 more than 40 days before the day of the election by display
7 advertisement at least two times in a newspaper of general
8 circulation within the political subdivision. The deputy
9 election administrator may notify the public of the election
10 by additional posting of notices or radio and television
11 announcements.

12 Section 9. Section 85-7-1702, MCA, is amended to read:

13 "85-7-1702. Regular election -- term of office. (1)
14 Candidates for the office of commissioner may be nominated
15 by petition filed with the deputy election administrator at
16 least 30 days before the election and signed by at least
17 five electors of the district. If no nominations are made,
18 the electors of the district shall write on the ballots the
19 name or names of the persons for whom they desire to vote.

20 (2) The regular election for commissioners in each
21 district shall be held annually in accordance with 13-1-104*
22 and [section 8].

23 (3) within Within 40 days following their election the
24 commissioners shall meet and organize as a board by electing
25 a president from their number and a secretary, who may or

may not be a commissioner, and who shall each hold office during the pleasure of the board. The term of office of each commissioner shall begin on the date of the organizational meeting after the regular election and shall continue for 3 years and until the election and qualification of his successor.

(4) Commissioners are elected by the electors of the entire district."

Section 10. Section 85-7-1710, MCA, is amended to read:

"85-7-1710. Qualification of electors and nature of voting rights. (1) At all elections held under the provisions of this part, except as otherwise expressly provided, the following holders of title or evidence of title to lands within the district, herein designated electors, are entitled to vote:

(a) all individuals having the qualifications of electors under the constitution and general ~~and school~~ election laws of the state, except that no registration of electors may be required;

(b) guardians, executors, administrators, and trustees ~~residing in the state;~~

(c) domestic corporations, by their duly authorized agents.

(2) In all elections held under this part, each

elector is permitted to cast one vote for each 40 acres of irrigable land or major fraction thereof owned by the elector within the district, irrespective of the location of the irrigable lands within the tracts designated by the commissioners for assessment and taxation purposes or within congressional subdivisions, platted lots or blocks (except as hereinafter provided for), election precincts, or district divisions, but any elector owning any less than 40 acres of irrigable land is entitled to one vote. Until the irrigable area under the proposed plan of reclamation is determined, all land included within the boundaries of the district shall be considered irrigable land for election purposes.

(3) Whenever land is owned by co-owners, the owners may designate one of their number or an agent to cast the vote for the owners, and one vote only for each 40 acres of irrigable land or major fraction thereof may be cast by the voting co-owner or agent. Whenever land is under contract of sale to a purchaser residing within the state, the purchaser may vote on behalf of the owner of the land. When voting, the agent of a corporation or co-owners, the co-owner designated for purpose of voting, or the purchaser of land under contract of sale, as the case may be, shall file with the secretary of the district or with the election officials a written instrument of his authority, executed and

1 acknowledged by the proper officers of the corporation, by
 2 the co-owners, or by the owner of land under contract of
 3 sale, as the case may be, and thereupon the agent or
 4 co-owner or purchaser, as the case may be, is an elector
 5 within the meaning of this part. Whenever the total
 6 irrigable acreage within any one district has been platted
 7 or subdivided into lots or blocks to the extent of 5% or
 8 more of the total acreage of the district, each elector is
 9 permitted to cast one vote for each acre of irrigable land
 10 or major fraction thereof owned by the elector within the
 11 district, irrespective of the location of such irrigable
 12 lands within the tracts designated by the commissioners for
 13 assessment and taxation purposes or within the congressional
 14 subdivisions, but any elector owning any less than 1 acre of
 15 irrigable land within the district is entitled to one vote.
 16 The balloting shall take place in the following manner: 10
 17 votes or less, separate ballots will be used; more than 10
 18 votes, the elector shall vote in blocks of 10 using one
 19 ballot for each 10 votes and separate ballots for odd votes
 20 over multiples of 10. ~~The election shall otherwise conform~~
 21 ~~with the provisions of Title 13.~~"

22 Section 11. Section 85-8-302, MCA, is amended to read:

23 "85-8-302. Election of commissioners -- regular term
 24 of office. (1) The regular election of commissioners shall
 25 be held annually in accordance with 13-1-104 and [section

1 8]. The term of office of commissioners shall commence on
 2 the first Monday Tuesday in January May following their
 3 election. At the first regular election following the
 4 organization of a district and in districts organized and in
 5 existence on March 1, 1921, and which, on petition, have
 6 been divided into divisions, at the first regular election
 7 following the date of the order making such division, there
 8 shall be elected three commissioners, one commissioner being
 9 elected from each division of which he must be an actual
 10 landowner. One of the commissioners, to be determined by
 11 lot, shall hold office until the first Monday Tuesday in
 12 January May in the year following his election; another of
 13 the commissioners, to be determined by lot, shall hold
 14 office until the first Monday Tuesday in January May in the
 15 second year following his election; and the third of the
 16 commissioners shall hold office until the first Monday
 17 Tuesday in January May in the third year following his
 18 election. Thereafter one commissioner shall be elected each
 19 year, who shall hold office for a term of 3 years and until
 20 his successor is elected and qualified. The person elected
 21 as a commissioner in each year to succeed the commissioner
 22 whose term is then expiring must be elected as a
 23 commissioner from the same division as the commissioner whom
 24 he is to succeed.

25 (2) Each commissioner must be a resident of a county

1 where a portion of the district lands is situated."

2 Section 12. Section 85-8-304, MCA, is amended to read:

3 "85-8-304. Results of election. The ~~clerk~~ secretary of
4 the board of ~~directors~~ commissioners shall enter the result
5 of the election in the minutes of the board and file with
6 the clerk of the district court creating the district a
7 statement showing the names of the persons elected as
8 commissioners, the names of the commissioners whose term
9 will expire on the first Monday Tuesday in January May
10 following, and the names of all of the persons who will
11 compose the board of ~~directors~~ commissioners for the year
12 next following the first Monday Tuesday in January May."

13 Section 13. Section 85-8-306, MCA, is amended to read:

14 "85-8-306. Nominations. Candidates for the office of
15 commissioner to be filled by election ~~under--the--provisions~~
16 ~~of--this--part~~ may be nominated by petition filed with the
17 county deputy election administrator at least 30 days before
18 the election and signed by at least five electors of the
19 district. If no nominations are made, the electors of the
20 district shall write on the ballots the name or names of the
21 persons for whom they desire to vote. ~~Nothing--herein~~
22 ~~contained--shall~~ This section does not prevent an elector
23 from voting for any qualified person, although the name does
24 not appear on the official ballot."

25 Section 14. Transition of officers. (1) If the

1 effective date of this act is on or later than March 15,
2 1981, then any officer of a hospital, fire, irrigation, or
3 drainage district whose term was due to expire following the
4 November 1981 election of his successor is entitled to
5 remain in office until his successor is properly qualified
6 following an election held in April, 1982.

7 (2) If the effective date is before March 15, 1981,
8 then an election of officers may be held on school election
9 day in April, 1981. However, the officers of the district
10 may decide that the best interests of the district would not
11 be served by giving such short notice for an election and
12 may follow the procedure in subsection (1).

13 Section 15. Repealer. Section 85-8-303, MCA, is
14 repealed.

15 Section 16. Effective date. This act is effective on
16 passage and approval.

-End-

State of Montana
Office of the Governor
Helena 59620

TED SCHWINDEN
GOVERNOR

February 27, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol Bldg.
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol Bldg.
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill 139, "A BILL FOR AN ACT TO REMOVE THE ANNUAL ELECTIONS OF FIRE DISTRICTS, HOSPITAL DISTRICTS, IRRIGATION DISTRICTS, AND DRAINAGE DISTRICTS FROM THE CONSOLIDATING PROVISIONS OF TITLE 13; TO PROVIDE THAT THE ELECTIONS FOR SUCH POLITICAL SUBDIVISIONS BE HELD ON SCHOOL ELECTION DAY, THE FIRST TUESDAY OF APRIL, EITHER IN COOPERATION WITH A SCHOOL DISTRICT OR AT ANOTHER CONVENIENT LOCATION WITHIN THE POLITICAL SUBDIVISION; TO PROVIDE FOR A MANNER OF CONDUCTING SUCH ELECTIONS, NAMING QUALIFIED ELECTORS, AND NOMINATING CANDIDATES FOR OFFICE; AMENDING SECTIONS 7-33-2106, 7-34-2116 THROUGH 7-34-2118, 13-1-104, 13-1-301, 13-1-302, 85-7-1702, 85-7-1710, 85-8-302, 85-8-304, AND 85-8-306, MCA; REPEALING SECTION 85-8-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE" without my signature and recommend the attached amendments.

I propose that in Section 13-1-104(3), (Section 6), an election administrator have the option to appoint a deputy election administrator rather than be required to do so. Also, as the proposed amendments indicate, the words "election administrator" have been added to certain sections of the bill in order to make the sections consistent with situations where the election administrator does not appoint a deputy.

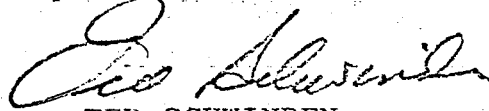
Senator Turnage and
Representative Marks
February 27, 1981
Page Two

Further, Section 13-1-104(3), (Section 6), provides that a deputy election administrator is responsible for the conduct of the annual election of a political subdivision, as provided by Section 8. Section 8 provides that a political subdivision may conduct its annual election at an annual meeting of the political subdivision or at another convenient location subject to 13-1-104(3). When sections 6 and 8 are read together a question arises as to the authority of the deputy election administrator to determine the conduct of an election.

The problem can be solved by inserting language in Section 8 which requires a political subdivision to secure the consent of the election or deputy election administrator when determining the conduct of an election. This proposed amendment will allow the political subdivision and the election or deputy election administrator to work together to coordinate voting places for different special district elections when such coordination is desirable. This amendment assures that the election administrator actively participates in establishing the conduct of an election.

I urge your concurrence in these amendments.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ted Schwinden", is written over the typed name.

TED SCHWINDEN
Governor

February 27, 1981

PROPOSED GOVERNOR'S AMENDMENTS TO HOUSE BILL 139;
REFERENCE COPY, AS FOLLOWS:

1. Page 2, line 18
Following: "the"
Insert: "election administrator or" ✓
2. Page 3, line 19
Following: "the"
Insert: "election administrator or" ✓
3. Page 6, line 4
Following: "administrator"
Delete: "is responsible for"
Insert: may ✓
4. Page 6, Line 5
In the word: "appointing"
Delete: ing ✓
5. Page 6, Line 7
Following: "Each"
Insert: "election administrator or" ✓
6. Page 7, Line 20
Following: "The"
Insert: "election administrator or" ✓
7. Page 7, Line 24
Following: "may"
Insert: ",with the consent of the election or
deputy election administrator," ✓
8. Page 8, line 3
Following: "The"
Insert: "election administrator or" ✓
9. Page 8, Line 8
Following: "The"
Insert: "election administrator or" ✓
10. Page 8, Line 15
Following: "the"
Insert: "election administrator or" ✓
11. Page 13, Line 17
Following: county
Insert: "election administrator or"

1 HOUSE BILL NO. 139

2 INTRODUCED BY THOFT, BENGTSON, ROBBINS, MANUEL,
3 DONALDSON, SCHULTZ, SALES, WALDRON, NORDTVEDT, EUDAILY

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE ANNUAL
6 ELECTIONS OF FIRE DISTRICTS, HOSPITAL DISTRICTS, IRRIGATION
7 DISTRICTS, AND DRAINAGE DISTRICTS FROM THE CONSOLIDATING
8 PROVISIONS OF TITLE 13; TO PROVIDE THAT THE ELECTIONS FOR
9 SUCH POLITICAL SUBDIVISIONS BE HELD ON SCHOOL ELECTION DAY,
10 THE FIRST TUESDAY OF APRIL, EITHER IN COOPERATION WITH A
11 SCHOOL DISTRICT OR AT ANOTHER CONVENIENT LOCATION WITHIN THE
12 POLITICAL SUBDIVISION; TO PROVIDE FOR A MANNER OF CONDUCTING
13 SUCH ELECTIONS, NAMING QUALIFIED ELECTORS, AND NOMINATING
14 CANDIDATES FOR OFFICE; AMENDING SECTIONS 7-33-2106,
15 7-34-2116 THROUGH 7-34-2118, 13-1-104, 13-1-301, 13-1-302,
16 85-7-1702, 85-7-1710, 85-8-302, 85-8-304, AND 85-8-306, MCA;
17 REPEALING SECTION 85-8-303, MCA; AND PROVIDING AN IMMEDIATE
18 EFFECTIVE DATE."

19
20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

21 Section 1. Section 7-33-2106, MCA, is amended to read:

22 "7-33-2106. Details relating to board of trustees of
23 fire district. (1) The five trustees initially appointed by
24 the county commissioners shall hold office until their
25 successors are elected and qualified as hereinafter

1 provided.

2 (2) Trustees shall be elected as provided in
3 subsection (3) of this section, 13-1-104(3), and [section
4 8]. The term of office shall be 3 years beginning on at the
5 first Monday--in--January district meeting following their
6 election or until their successors are elected and
7 qualified. Appointments to fill vacancies shall be made by
8 the county governing body and appointees shall hold office
9 until the next regular election. ~~Nominations-for-office~~
10 ~~shall-be-made-as-provided-in--13-14-113.~~ All electors, as
11 defined in Title 13, who reside in the district are eligible
12 to vote in the election including any holder of title to
13 lands within the district who presents a proof of interest
14 in such land at the polling place, regardless of whether he
15 is registered to vote.

16 (3) Candidates for the office of trustee of the fire
17 district to be filled by election may be nominated by
18 petition filed with the ELECTION ADMINISTRATOR OR deputy
19 election administrator at least 30 days before the election
20 day and signed by at least five electors of the district. If
21 no nominations are made, the electors of the district shall
22 write on the ballots the name or names of the persons for
23 whom they desire to vote. This subsection does not prevent
24 an elector from voting for any qualified person, although
25 the name does not appear on the official ballot.

1 filled for an unexpired term as provided by law.

2 (2) A general election shall be held throughout the
3 state in every odd-numbered year on the first Tuesday after
4 the first Monday in November to elect municipal officers,
5 officers of political subdivisions wholly within one county
6 and not required to hold annual elections, and any other
7 officers specified by law for election in odd-numbered years
8 when the term for the offices will expire before the next
9 scheduled election for the offices or when one of the
10 offices must be filled for an unexpired term as provided by
11 law.

12 (3) The general election for any political subdivision
13 required to hold elections annually shall be held ~~with--the~~
14 ~~general election provided for in subsections (1) and (2)--if~~
15 ~~a--primary--election--is--necessary--it--shall--be--held--at--the~~
16 ~~same--time--as--the--primary--provided--for--the--regular--general~~
17 ~~election--for--that--year~~ on school election day, the first
18 Tuesday of April of each year, and is subject to the
19 election procedures provided for in [section 8]."

20 Section 6. Section 13-1-301, MCA, is amended to read:

21 "13-1-301. Election administrator. (1) The county
22 clerk and recorder of each county is the election
23 administrator unless the governing body of the county
24 designates another official or appoints an election
25 administrator.

1 (2) The election administrator is responsible for the
2 administration of all procedures relating to registration of
3 electors and conduct of elections and shall keep all records
4 relating to elector registration and elections.

5 ~~(3) The election administrator is responsible for MAY~~
6 ~~appointing~~ APPOINT a deputy election administrator for each
7 political subdivision required to hold annual elections
8 under the provisions of 13-1-104(3). Each ELECTION
9 ADMINISTRATOR OR deputy election administrator is
10 responsible for the conduct of the annual elections of such
11 political subdivision, as provided by [section 8]."

12 Section 7. Section 13-1-302, MCA, is amended to read:

13 "13-1-302. Election costs. (1) Unless specifically
14 provided otherwise, all costs of the primary and general
15 elections regularly scheduled for even-numbered years shall
16 be paid by the counties.

17 (2) Costs of the primary and general elections
18 regularly scheduled for odd-numbered years shall be paid by
19 the counties and other political subdivisions for which the
20 elections are held. Each political subdivision shall bear
21 its proportionate share of the costs as determined by the
22 county governing body.

23 (3) A political subdivision holding an annual election
24 with a regularly scheduled school election shall bear its
25 proportionate share of the costs as determined by the county

1 governing---body election administrator and the school
 2 district election administrator.

3 (4) The political subdivision for which a special
 4 election is held shall bear all costs of the election, or
 5 its proportionate share as determined by the county
 6 governing body if held in conjunction with any other
 7 election.

8 (5) Costs of elections may not include the services of
 9 the election administrator or capital expenditures.

10 (6) The county governing body shall set a schedule of
 11 fees for services provided to school districts by the
 12 election administrator.

13 (7) Election costs shall be paid from county funds,
 14 and any shares paid by other political subdivisions shall be
 15 credited to the fund from which the costs were paid."

16 NEW SECTION. Section 8. Manner of conducting general
 17 elections for political subdivisions required to hold annual
 18 elections. (1) Any political subdivision required to hold
 19 annual elections under 13-1-104(3) may cooperate with school
 20 districts having similar district boundaries to hold the
 21 election at the same location. The ELECTION ADMINISTRATOR OR
 22 deputy election administrator appointed under the provisions
 23 of 13-1-301 shall cooperate with the school district
 24 election administrator to share costs, as provided in
 25 13-1-302.

1 (2) A political subdivision subject to 13-1-104(3)
 2 may, WITH THE CONSENT OF THE ELECTION OR DEPUTY ELECTION
 3 ADMINISTRATOR, conduct its annual election at an annual
 4 meeting of the political subdivision or at another
 5 convenient location within the political subdivision.

6 (3) The ELECTION ADMINISTRATOR OR deputy election
 7 administrator conducting an election under the provisions of
 8 subsection (1) or (2) shall give notice of the election not
 9 less than 20 days or more than 40 days before the day of the
 10 election by display advertisement at least two times in a
 11 newspaper of general circulation within the political
 12 subdivision. The ELECTION ADMINISTRATOR OR deputy election
 13 administrator may notify the public of the election by
 14 additional posting of notices or radio and television
 15 announcements.

16 Section 9. Section 85-7-1702, MCA, is amended to read:
 17 "85-7-1702. Regular election -- term of office. (1)
 18 Candidates for the office of commissioner may be nominated
 19 by petition filed with the ELECTION ADMINISTRATOR OR deputy
 20 election administrator at least 30 days before the election
 21 and signed by at least five electors of the district. If no
 22 nominations are made, the electors of the district shall
 23 write on the ballots the name or names of the persons for
 24 whom they desire to vote.

25 (2) The regular election for commissioners in each

1 district shall be held annually in accordance with 13-1-104,
2 and [section 8].

3 (3) within Within 40 days following their election the
4 commissioners shall meet and organize as a board by electing
5 a president from their number and a secretary, who may or
6 may not be a commissioner, and who shall each hold office
7 during the pleasure of the board. The term of office of each
8 commissioner shall begin on the date of the organizational
9 meeting after the regular election and shall continue for 3
10 years and until the election and qualification of his
11 successor.

12 (4) Commissioners are elected by the electors of the
13 entire district."

14 Section 10. Section 85-7-1710, MCA, is amended to
15 read:

16 "85-7-1710. Qualification of electors and nature of
17 voting rights. (1) At all elections held under the
18 provisions of this part, except as otherwise expressly
19 provided, the following holders of title or evidence of
20 title to lands within the district, herein designated
21 electors, are entitled to vote:

22 (a) all individuals having the qualifications of
23 electors under the constitution and general ~~and--school~~
24 election laws of the state, except that no registration of
25 electors may be required;

1 (b) guardians, executors, administrators, and trustees
2 ~~residing-in-the-state;~~

3 (c) domestic corporations, by their duly authorized
4 agents.

5 (2) In all elections held under this part, each
6 elector is permitted to cast one vote for each 40 acres of
7 irrigable land or major fraction thereof owned by the
8 elector within the district, irrespective of the location of
9 the irrigable lands within the tracts designated by the
10 commissioners for assessment and taxation purposes or within
11 congressional subdivisions, platted lots or blocks (except
12 as hereinafter provided for), election precincts, or
13 district divisions, but any elector owning any less than 40
14 acres of irrigable land is entitled to one vote. Until the
15 irrigable area under the proposed plan of reclamation is
16 determined, all land included within the boundaries of the
17 district shall be considered irrigable land for election
18 purposes.

19 (3) Whenever land is owned by co-owners, the owners
20 may designate one of their number or an agent to cast the
21 vote for the owners, and one vote only for each 40 acres of
22 irrigable land or major fraction thereof may be cast by the
23 voting co-owner or agent. Whenever land is under contract of
24 sale to a purchaser residing within the state, the purchaser
25 may vote on behalf of the owner of the land. When voting,

1 the agent of a corporation or co-owners, the co-owner
 2 designated for purpose of voting, or the purchaser of land
 3 under contract of sale, as the case may be, shall file with
 4 the secretary of the district or with the election officials
 5 a written instrument of his authority, executed and
 6 acknowledged by the proper officers of the corporation, by
 7 the co-owners, or by the owner of land under contract of
 8 sale, as the case may be, and thereupon the agent or
 9 co-owner or purchaser, as the case may be, is an elector
 10 within the meaning of this part. Whenever the total
 11 irrigable acreage within any one district has been platted
 12 or subdivided into lots or blocks to the extent of 5% or
 13 more of the total acreage of the district, each elector is
 14 permitted to cast one vote for each acre of irrigable land
 15 or major fraction thereof owned by the elector within the
 16 district, irrespective of the location of such irrigable
 17 lands within the tracts designated by the commissioners for
 18 assessment and taxation purposes or within the congressional
 19 subdivisions, but any elector owning any less than 1 acre of
 20 irrigable land within the district is entitled to one vote.
 21 The balloting shall take place in the following manner: 10
 22 votes or less, separate ballots will be used; more than 10
 23 votes, the elector shall vote in blocks of 10 using one
 24 ballot for each 10 votes and separate ballots for odd votes
 25 over multiples of 10. ~~The election shall--otherwise--conform~~

1 ~~with-the-provisions-of--title-13.~~"

2 Section 11. Section 85-8-302, MCA, is amended to read:
 3 "85-8-302. Election of commissioners -- regular term
 4 of office. (1) The regular election of commissioners shall
 5 be held annually in accordance with 13-1-104 and [section
 6 8]. The term of office of commissioners shall commence on
 7 the first ~~Monday~~ Tuesday in ~~January~~ May following their
 8 election. At the first regular election following the
 9 organization of a district and in districts organized and in
 10 existence on March 1, 1921, and which, on petition, have
 11 been divided into divisions, at the first regular election
 12 following the date of the order making such division, there
 13 shall be elected three commissioners, one commissioner being
 14 elected from each division of which he must be an actual
 15 landowner. One of the commissioners, to be determined by
 16 lot, shall hold office until the first ~~Monday~~ Tuesday in
 17 ~~January~~ May in the year following his election; another of
 18 the commissioners, to be determined by lot, shall hold
 19 office until the first ~~Monday~~ Tuesday in ~~January~~ May in the
 20 second year following his election; and the third of the
 21 commissioners shall hold office until the first ~~Monday~~
 22 Tuesday in ~~January~~ May in the third year following his
 23 election. Thereafter one commissioner shall be elected each
 24 year, who shall hold office for a term of 3 years and until
 25 his successor is elected and qualified. The person elected

1 as a commissioner in each year to succeed the commissioner
2 whose term is then expiring must be elected as a
3 commissioner from the same division as the commissioner whom
4 he is to succeed.

5 (2) Each commissioner must be a resident of a county
6 where a portion of the district lands is situated."

7 Section 12. Section 85-8-304, MCA, is amended to read:

8 "85-8-304. Results of election. The clerk secretary of
9 the board of ~~directors~~ commissioners shall enter the result
10 of the election in the minutes of the board and file with
11 the clerk of the district court creating the district a
12 statement showing the names of the persons elected as
13 commissioners, the names of the commissioners whose term
14 will expire on the first Monday Tuesday in January May
15 following, and the names of all of the persons who will
16 compose the board of ~~directors~~ commissioners for the year
17 next following the first Monday Tuesday in January May."

18 Section 13. Section 85-8-306, MCA, is amended to read:

19 "85-8-306. Nominations. Candidates for the office of
20 commissioner to be filled by election ~~under the provisions~~
21 ~~of this part~~ may be nominated by petition filed with the
22 county ELECTION ADMINISTRATOR OR deputy election
23 administrator at least 30 days before the election and
24 signed by at least five electors of the district. If no
25 nominations are made, the electors of the district shall

1 write on the ballots the name or names of the persons for
2 whom they desire to vote. ~~Nothing herein contained shall~~
3 This section does not prevent an elector from voting for any
4 qualified person, although the name does not appear on the
5 official ballot."

6 Section 14. Transition of officers. (1) If the
7 effective date of this act is on or later than March 15,
8 1981, then any officer of a hospital, fire, irrigation, or
9 drainage district whose term was due to expire following the
10 November 1981 election of his successor is entitled to
11 remain in office until his successor is properly qualified
12 following an election held in April 1982.

13 (2) If the effective date is before March 15, 1981,
14 then an election of officers may be held on school election
15 day in April, 1981. However, the officers of the district
16 may decide that the best interests of the district would not
17 be served by giving such short notice for an election and
18 may follow the procedure in subsection (1).

19 Section 15. Repealer. Section 85-8-303, MCA, is
20 repealed.

21 Section 16. Effective date. This act is effective on
22 passage and approval.

-End-